In 're Application of: Juster et al.
Serial Number: 09/533,468

REMARKS

The Office action dated March 28, 2003, has been carefully considered. All of the pending claims 1 - 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over statements in Applicants' specification that the Office action characterizes as "Applicant's Admitted Prior Art" ("AAPA") taken in combination with the teachings in Dyson et al. ("Dyson"), U.S. Patent No. 6,269,399. For reasons presented hereinafter, Applicants request reconsideration of this rejection because the applied prior art neither discloses nor suggests "sending a second request to create the local queue by the application of the client from the function of the client to a service having permission to create local queues; and, only upon determining by the service that the second request originated locally, calling the server by the service to create the local queue."

Applicants acknowledge with appreciation the courtesy of a telephone interview granted to Applicants' representatives by Examiners Narayanaswamy and Maung on June 19, 2003. Messrs. John Conklin and Scott Schulhof represented the Applicants. The Examiner's Interview Summary Form appears paper no. 3. Pursuant to 37 C.F.R. § 1.133(b), the following is a complete written statement of the reasons presented at the interview as warranting favorable action.

Claims 1, 8, and 12 were discussed with respect to the teachings of the Dyson patent. Applicants argued that the Dyson patent does not disclose or suggest creating queues. Examiner Maung admitted that the Dyson patent does not teach creating queues, but he countered that it uses queues and, therefore, the queues are necessarily created prior to their use. Applicants agreed that the queues must be created, but their creation under the circumstances required by the claims was neither described nor suggested by the Dyson patent. No agreement was reached. The Examiners suggested Applicants present their argument in a formal response for their further consideration.

Before turning to the specific claim language, Applicants believe a short synopsis of the invention is useful. The invention enforces security on the creation of queues at a local machine or

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local computing environment, which improves on the user-based security of known systems. As

explained on page 1 of the specification, beginning at line 17, the creation of the queues is governed

by permissions.

> Frequently, the operating systems in conjunction with which message transaction systems
> are implemented have security that is user-based. This means that a given user, if he or she
> has permission to create queues, for example, is able to create queues regardless of the client
> onto which the user is actually logged.

As also explained on page 11 of the specification, beginning at line 1, security is enforced locally

be ensuring the creation of a local queue at a client machine is authorized by a service 210

running on that machine.

> Thus, the service 210 determines whether the request 220 to create a queue, as has been
> forwarded to it as represented as the second request 222, has originated from the client
> 202 on which the service 210 is itself running. Only upon so determining does the
> service call the server 204, as represented by 216 in FIG. 2, to create a queue on the client
> 202.

Thus, unlike the prior art of record, Applicants' invention provides for local-based security such

that queues are only created on the client on which the service is itself running and only in

response to requests to create queues that originate from within the client, such as from the

application program.

In contrast to Applicants' invention, the Dyson patent teaches securely exchanging

information between first and second queue systems. Queue creation – and any security

mechanism on the queue creation – is neither taught nor suggested by Dyson.

Though the Dyson patent does not disclose or teach creating queues, the Office action

indicates otherwise at paragraph 6.

Although the Dyson patent may suggest creating the queues used in the patent since the

queues must be created before they can be used, even this interpretation of the teaches of the

Dyson patent does not extend to the conditional creation of queues required by the claims. The

Office action references the schematic drawing of Fig. 1 and the flowchart of Fig. 3A in the

Dyson patent. However, these drawings merely point out that the invention described in the
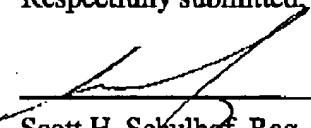
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Dyson patent employs queues. But Applicants' claims are not aimed at merely employing queues. The claims require a particular circumstance for creating the queues that is not described or even remotely suggested by the Dyson patent. At most, the teachings of the Dyson patent can only be extended to creating queues in keeping with conventional processes that have nothing to do with the conditional creation of the queues required by Applicants' claims.

CONCLUSION

In view of the foregoing remarks, the claims are patentable or the art of record and the rejection of claims 1-16 should be withdrawn The Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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